

EXHIBIT 1

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

-----x

L.E., by his next friends
And parents *

Plaintiff *

V. *

BILL LEE, in his official *
Capacity as Governor of *
Tennessee; PENNY SCHWINN, *
In her official capacity as *
The Tennessee Education *
Commissioner; TENNESSEE *
STATE BOARD OF EDUCATION; *
SARA HEYBURN MORRISON in *
Her official capacity as *
The executive Director of *
The Tennessee State Board *
Of Education; NICK DARNELL *
MIKE EDWARDS ROBERT EBY *
GORDON FERGUSON, ELISSA, *
KIM LILLIAN HARTGROVE, *
NATE MORROW, LARRY JENSEN *
DARRELL COBBINS, and EMILY *
HOUSE, the individual *
Members of the Tennessee *
State Board of Education, *
In their official *
Capacities; KNOX COUNTY *
BOARD OF EDUCATION a/k/a *
KNOX COUNTY SCHOOLS a/k/a *
KNOX COUNTY SCHOOL *
DISTRICT; ROBERT M. "BOB" *
THOMAS, in his Official *
Capacity as Director of *
Knox County Schools *

Defendants *

-----x

DEPOSITION OF DONALD DODGEN
APPEARING REMOTELY FROM
KNOXVILLE, TENNESSEE

July 28, 2022

10:30 a.m.

REPORTED BY:

Dawn L. Halcisak, CLR

APPEARING REMOTELY FROM CRISFIELD, MARYLAND

R E M O T E A P P E A R A N C E S

ON BEHALF OF PLAINTIFF KNOX COUNTY BOARD OF
EDUCATION AND BOB THOMAS:

JESSICA JERNIGAN-JOHNSON, ESQUIRE
KNOX COUNTY LAW DIRECTOR'S OFFICE
(865) 215-2327
jessica.johnson@knoxcounty.org

SASHA BUCHERT, ESQUIRE
(pro hac vice forthcoming)
LAMBDA LEGAL DEFENSE AND EDUCATION
FUND INC.
1776 K Street, N.W., 8th Floor
Washington, D.C 20006-5500
(202) 804-6245
sbuchert@lambdalegal.org

1 R E M O T E A P P E A R A N C E S (Cont'd.)

2
3 ON BEHALF OF L.E., by his next friends and
4 parents SHELLEY ESQUIVEL and MARIO ESQUIVEL
5 & ACLU OF TENNESSEE:

6 STELLA YARBROUGH, ESQUIRE (No. 33637)

7 P.O. Box 120160

8 Nashville, Tennessee 37212

9 (615) 320-7142

10 syarborough@aclu-tn.org

11
12 ALSO PRESENT:

13 FOR KNOX COUNTY LAW DIRECTOR'S OFFICE:

14 Bob Thomas, Director of Knox County Schools

15 Coach Donald Dodgen

16
17 ATTORNEY GENERAL'S OFFICE:

18 Anne Levit

19 Mr. Swaine

20 Executive Director Morrison

21 State Board Members

22 Veda Newman, Law Clerk

R E M O T E A P P E A R A N C E S (Cont'd.)

Lucas Cameron-Vaugh, ACLU

VERITEXT:

Jerry CURran, Concierge Tech

I N D E X

Name of Witness	Page
DONALD DODGEN	
Examination	
MS. YARBROUGH	11, 124
MS. BERGMEYER	118

I N D E X

Exhibit		Page
Exhibit 1	Criteria for Cheerleaders and Dance Teams, 2021-2022-Selection and Participation	45
Exhibit 2	Email dated 02/28/2020	46
Exhibit 3	2022-23 TSSAA Handbook	57
Exhibit 4	Email dated 04/15/2021	64
Exhibit 5	TSSAA/TMSAA Transgender Policy	69
Exhibit 6	Knox County Board of Education Policy	76
Exhibit 7	Public Chapter No. 40, Senate Bill NO. 22890	91

(Exhibits attached to transcript.)

1 BY MS. YARBROUGH:

2 Q. And you've never discussed this law
3 with anyone at Farragut High School?

4 A. Not to my knowledge.

5 Q. You've never discussed this law with
6 any coach at Farragut High School?

7 A. Not the law, no.

8 Q. Have you discussed the Knox County
9 board of education policy that we looked at in
10 the previous exhibit, Exhibit 6, with anyone at
11 Farragut High School?

12 A. No.

13 Q. Have you discussed the general policy
14 of who can participate in interscholastic
15 sports, under this law, with anyone at Farragut
16 High School?

17 A. No.

18 MS. BERGMEYER: Object to the form.

19 BY MS. YARBROUGH:

20 Q. Have you discussed the issue of
21 transgender students playing on a sports team,
22 with anyone, at Farragut High School?

1 A. My golf coach and I had a conversation,
2 and that's about it -- very short -- to make
3 sure that we are following policy.

4 Q. When was that discussion?

5 A. I cannot give you the exact date. It
6 was -- it was before tryouts that we make sure
7 everyone knows about tryouts for golf, boys and
8 girls.

9 Q. When are golf tryouts?

10 A. We had golf tryouts last month, I
11 think, off the top of my head. I'd have to look
12 at my calendar.

13 Q. So you had a discussion last month with
14 Coach Higgins about transgender students playing
15 sports, correct?

16 A. Yes.

17 Q. What did you discuss?

18 A. We just -- we heard a rumor that we may
19 have one person try out. And all I said is, "We
20 have to let every person try out." I did not
21 talk about boys' tryouts or girls' tryouts.

22 Q. And what do you mean that you heard a